

NEVADA ENVIRONMENTAL COMMISSION

STATE FISCAL YEAR 2002

JULY 1, 2001 TO JUNE 30, 2002

QUARTERLY REPORTS

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**QUARTERLY REPORT
NEVADA ENVIRONMENTAL COMMISSION
PERIOD OF JULY THROUGH SEPTEMBER 2001
1st QUARTER STATE FY 2002**

The Nevada State Environmental Commission held one regulatory hearing on September 18, 2001 during the 1st quarter of FY 2002. Below is a summary of performance measures and general outputs for the Commission during this quarter and fiscal year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 2002 (July 1, 2001 to June 30, 2002).

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 2002*
SEC-005	Number of public hearings	1					4 *
SEC-007	Number of appeal hearings	0					4
SEC-006	Number of regulations adopted	7				7	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/7				0/7	0/14
SEC-011	Appeals scheduled vs appeals heard	2/0				2/0	6/6 *
	Number of ratifications	2				2	-

* FY 2002 Budget Performance Measures for budget account 4149.

ENVIRONMENTAL COMMISSION REGULATORY HEARINGS

The Environmental Commission held one regulatory hearing on September 18, 2001 in Las Vegas. The Commission on September 18, 2001 heard and adopted seven regulatory petitions, six were temporary regulations going to permanent adoption and one permanent regulation. The Commission received the withdrawal of permanent petition 2002-01 (LCB R096-01), a regulation designed to accomodate the settlement on the Jarbidge appeal.

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September 18, 2001 Regulatory Hearing

A. Petition 2001-02 (LCB R-037-01) permanently amends NAC 444.842 to 444.960, the hazardous waste regulations. The amended regulations update the State's adoption of federal regulations by reference by amending NAC 444.8427, 444.84275, 444.850 and 444.9452 to refer to the federal regulations as they existed on July 1, 2001 and modify 444.8632 to adopt 40 CFR Parts 2, Subpart A, 124, Subparts A and B, Parts 260 to 270 and Part 279 as those parts existed on July 1, 2001.

B. Petition 2001-03 (LCB R-038-01) permanently amends NAC 444A.005 to 444A.470 to extend programs for separating, at the source, recyclable material from other solid waste to include public buildings in counties with populations greater than 100,000. The amended regulations add for public buildings the minimum standards which were previously established for the source separation of recyclables at residential premises. Definitions for public building, paper and paper product are added. NAC 444A.120 was amended to add public buildings and 444A.130 was amended to provide for a municipality to make available a source separation of recyclable materials at public buildings.

C. Petition 2001-04 (LCB R-039-01) permanently amends NAC 444A. The proposed permanent regulation prescribes the paper and paper product recycling procedures for state agencies. The regulation provides criteria for exemption from the recycling requirements, provides for clearly labeled containers, establishes reporting criteria by state agencies and requires a building recycling plan to be submitted to the Division of Environmental Protection.

D. Petition 2001-05 (LCB R-040-01) permanently amends NAC 445B.001 to 445B.395, the state air pollution control permitting program. The proposed permanent regulation amends NAC 445B by creating and defining a new classification of operating permits. The new Class III permit will provide eligible sources (those emitting 5 tons or less of specific pollutants) a streamlined permitting process, which includes accelerated permit review and issuance and lower permitting fees. This regulation will provide regulatory relief for small quantity sources. NAC 445B.320, dealing with operating permit changes is amended to include additional language to require a detailed description of how increases and decreases will comply with the permit.

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F. Petition 2001-07 (LCB R-042-01) permanently amends NAC 445A.810 to 445A.925, the underground injection control (UIC) program. The amended regulations provide that “other Sensitive Groundwater Areas” can be determined to meet compliance with the proposed regulations. The regulations revise outdated Nevada Revised Statute references, expand minor permit modification criteria and logistics, expand criteria for a temporary permit, outline methods to establish permit limits in the absence of specific standards, and repeal the prohibition of injection of treated effluent. New definitions for cesspool, Class V Rule, delineation, drywell, groundwater protection area, improved sinkhole, other sensitive groundwater area, motor vehicle waste disposal well, point of injection, sanitary waste, septic system, source water assessment and protection program, and subsurface fluid distribution system are defined. Restrictions are imposed on Motor Vehicle Waste Disposal wells. Fees for renewals in NAC 445A.872 are reduced, repealed and incorporated into the existing annual fee. This fee category is expanded to included major modifications.

G. Petition 2001-08 (LCB R-089-01) permanently amends NAC 519A.350, reclamation of land subject to mining operations or exploration projects. The amended regulations provide minor changes regarding surety bonding by allowing up to 75% of the required surety to be satisfied by the corporate guarantee, based upon periodic review by the administrator. The amendments also require that the financial information submitted comply with U.S. Generally Accepted Accounting Principles and that the financial statements submitted be audited.

APPEAL HEARINGS

Two appeal hearings were scheduled regarding the Robert Hall appeal request regarding the Bureau of Water Pollution Controls’ water pollution control discharge permits for Clark County, the City of Las Vegas and the City of Henderson wastewater treatment plants. The cities and county have requested to intervene in the appeal. Hearings were scheduled for August 28, 2001 and then again on October 15, 2001. Due to scheduling issues an additional date is being sought.

OVERTIME ACCRUED

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

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SETTLEMENT RATIFICATIONS

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
1563 & 1564	Road & Highway Builders	6,460	Pershing
1475 et.al.	Eagle-Picher Minerals	90,000	Pershing/Storey (50/50)
QUARTERLY TOTALS		\$ 96,460	
FISCAL YEAR 2002 TOTALS		\$ 96,460	

AS PREPARED BY

David R. Cowperthwaite, Executive Secretary, October 1, 2001

**QUARTERLY REPORT
NEVADA ENVIRONMENTAL COMMISSION
PERIOD OF OCTOBER THROUGH DECEMBER 2001
2ND QUARTER STATE FY 2002**

The Nevada State Environmental Commission held one regulatory hearing on December 11, 2001 and one appeal hearing on December 20, 2001 during the 2nd quarter of FY 2002. Below is a summary of performance measures and general outputs for the Commission during this quarter and fiscal year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 2002 (July 1, 2001 to June 30, 2002).

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 2002*
SEC-005	Number of public hearings	1	1			2	4 *
SEC-007	Number of appeal hearings	0	1			1	4
SEC-006	Number of regulations adopted	7	3			10	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/7	0/3			0/10	0/14
SEC-011	Appeals scheduled vs appeals heard	2/0	2/1			4/1	6/6 *
	Number of ratifications	2	5			7	-

* FY 2002 Budget Performance Measures for budget account 4149.

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ENVIRONMENTAL COMMISSION REGULATORY HEARINGS

The Environmental Commission held one regulatory hearing on December 11, 2001 in Reno. The Commission on December 11, 2001 heard and adopted three permanent regulatory petitions. The Commission acted upon the request of the Division of Environmental Protection for the withdrawal of permanent petition 2002-02 (LCB R102-01), a regulation designed to mirror the interim regulations in California regarding the heavy duty diesel engine emission standards. This petition has been permanently withdrawn by the Division.

December 11, 2001 Regulatory Hearing

A. Petition 2002-01 (LCB R-096-01) permanently amends NAC 445A.070 to 445A.348, the water pollution control program by amending 445A.100 the definition for “point source” by adding language that defines earth moving equipment, and 445A.309, the definition for “diffuse source” to incorporate runoff in various subsections of the definition. In addition, the definition for “diffuse source” clarifies provisions regarding urban area runoff and earth moving activities. The regulation will assist regulated communities in determining when water pollution control permits are necessary.

B. Petition 2002-03 (LCB R-128-01) is a permanent amendment to NAC 445A.119 to 445A.225, the pollution control standards for water quality. The petition amends the standards for various reaches of the East and West forks of the Walker River. Amendments are proposed for NAC 445A.159 through 445A.169, inclusive including Sweetwater Creek and Desert Creek of the Walker River. Revised area of water quality standards includes pH, the nitrite in the lower reaches, the time period for dissolved oxygen beneficial use standard, the Topaz Lake dissolved oxygen standard, the replacement of the narrative color standard with a numeric standard, establishing sulfate requirements to maintain existing higher quality (RMHQ), replacement of existing fecal coliform standard with E. Coli standard and to establish a total suspended RMHQ for Sweetwater Creek. It is proposed to revise the time period that adult Lahontan cutthroat trout may be present in the reach from Walker Lake to Weber Reservoir.

C. Petition 2002-04 (LCB R-129-01) is a permanent amendment to NAC 445A.119 through 445A.225, the pollution control standards for water quality. The permanent regulation establishes water quality standards for Walker Lake. The regulation establishes beneficial uses and water quality standards to protect those uses. Proposed standards for Walker Lake include pH, dissolved oxygen, total suspended solids, temperature, dissolved oxygen, nitrite, total inorganic nitrogen, total phosphorus and E. Coli.

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APPEAL HEARINGS

Two appeal hearings were scheduled regarding the Great Basin Mine Watch and Reno-Sparks Indian Colony appeal request regarding the Bureau of Mining Regulations and Reclamations mining reclamation permit for the Oil-Dri Corporation of Nevada, located in Washoe County. The hearing was established for December 7, 2001 and continued to December 20, 2001 where the appellant offered settlement terms at the hearing. The Commission at the request of the appellants and the Division authorized an indefinite continuance of the matter for the parties to resolve and settle the matters of the appeal.

In the matter of the Robert Hall appeal, the Division's attorneys requested an order for Robert Hall to clarify his appeal in the matter of the water pollution control permits for the City of Las Vegas, the City of Henderson and Clark County. The Commission issued an order for Robert Hall to clarify his appeal and for the Division to decide whether to contest the intervention of the permittees in the appeal. The cities and county have requested to intervene in the appeal. The order approving the Order was issued in the 3rd quarter. The Division declined to contest the intervention, and Robert Hall filed a clarification to the appeal. Subsequent to this the Commission's attorney has draft an Order clarifying the process of intervention by the permittees. Scheduling for this hearing is anticipated for March, 2002. The hearing was set once for October 15, 2001.

OVERTIME ACCRUED

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

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SETTLEMENT RATIFICATIONS

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
1585 et. al	Road & Highway Builders	44,975	Pershing
1596	Nye County Road Department	3,000	Nye
1594 & 1595	Premier Chemicals LLC	5,600	Nye
1599 & 1605	Crockett Enterprises	1,200	Douglas
1604	Paul Moore's Sand and Gravel	1,080	Nye
QUARTERLY TOTALS		\$ 55,55	
FISCAL YEAR 2002 TOTALS		\$ 152,315	

AS PREPARED BY David R. Cowperthwaite, Executive Secretary, January 2, 2001

**QUARTERLY REPORT
NEVADA ENVIRONMENTAL COMMISSION
PERIOD OF JANUARY THROUGH MARCH 2002
3rd QUARTER STATE FY 2002**

The Nevada State Environmental Commission held one regulatory hearing on March 8, 2002 during the 3rd quarter of FY 2002. Below is a summary of performance measures and general outputs for the Commission during this quarter and fiscal year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 2002 (July 1, 2001 to June 30, 2002).

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 2002*
SEC-005	Number of public hearings	1	1	1		3	4 *
SEC-007	Number of appeal hearings	0	1	0		1	4
SEC-006	Number of regulations adopted	7	3	2		12	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/7	0/3	0/2		0/12	0/14
SEC-011	Appeals scheduled vs appeals heard	2/0	2/1	0/0		4/1	6/6 *
	Number of ratifications	2	5	4		11	-

* FY 2002 Budget Performance Measures for budget account 4149.

ENVIRONMENTAL COMMISSION REGULATORY HEARINGS

The Environmental Commission held one regulatory hearing on March 8, 2002 in Reno. The Commission on March 8, 2002 heard and adopted two permanent regulatory petitions and one solid waste variance. The variance request was from Full Circle Composting in Douglas county for a wavier to the setback requirements of NAC 444.

March 8, 2002 Regulatory Hearing

- A. Petition 2002-05 (R-017-02)** is a permanent amendment to NAC 445B.400 to 445B.774, the vehicle emission control program. Amendments are for NAC 445B.575, devices to control pollution; 445B.5815, the inspection of vehicle: certified on-board diagnostic systems and 445B.6115, the exemption of vehicle from certain provisions. NAC 445B.51815 is amended to remove the limitation on applicability of the on-board diagnostic systems for counties with a population of more than 400,000. The restrictive trigger for effectuating the implementation of on-board diagnostic systems is removed from NAC 445B.575 and 445B.5815. An effective date of March 1, 2002 for implementation of on-board diagnostics is established for Clark and Washoe Counties.

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- B.** **Petition 2002-06 (R-020-02)** is a permanent amendment to NAC 519A.120 to 519A.240, the mining reclamation program. The amendments are to 519A.225, fees for application of permit; 519A.230, submission of fee if permit not issued; 519A.235, annual submission of fees for services by division and 519A.240, time for submission of fees for new exploration projects and mining operations. The proposed fees are to be effective April 15, 2002.

APPEAL HEARINGS

No appeal hearings were conducted during this quarter and the Robert Hall hearing was scheduled for April 23 and 24th, 2002 in Las Vegas. An appeal hearing regarding the Pahrump landfill is to be scheduled for May, 2002.

OVERTIME ACCRUED

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

SETTLEMENT RATIFICATIONS

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
1607	Modern Concrete	510	Eureka
1581,1582, 1583, 1584	USEcology	4,080	Nye
1570, 1578, 1579, 1580	Sierra Pacific Power Company	7,160	Storey
1612	Mine Service and Supply Co.	420	Eureka
QUARTERLY TOTALS		\$ 11,792	
FISCAL YEAR 2002 TOTALS		\$ 164,107	

AS PREPARED BY David R. Cowperthwaite, Executive Secretary, April 1, 2002

**QUARTERLY REPORT
NEVADA ENVIRONMENTAL COMMISSION
PERIOD OF APRIL THROUGH JUNE 2002
4TH QUARTER STATE FY 2002**

The Nevada State Environmental Commission held one appeal hearing on April 23-24, 2002 during the 4th quarter of FY 2002. Below is a summary of performance measures and general outputs for the Commission during this quarter and fiscal year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 2002 (July 1, 2001 to June 30, 2002).

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 2002*
SEC-005	Number of public hearings	1	1	1	0	3	4 *
SEC-007	Number of appeal hearings	0	1	0	1	2	4
SEC-006	Number of regulations adopted	7	3	2	0	12	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/7	0/3	0/2	0/0	0/12	0/14
SEC-011	Appeals scheduled vs appeals heard	2/0	2/1	0/0	2/1	6/2	6/6 *
	Number of ratifications	2	5	4	0	11	-

* FY 2002 Budget Performance Measures for budget account 4149.

ENVIRONMENTAL COMMISSION HEARINGS

The Environmental Commission held one appeal hearing on April 23 and 24, 2002 in Las Vegas, Nevada. This was in the matter of Robert Hall of the Nevada Environmental Coalition contesting the Bureau of Water Pollution Control's wastewater discharge permit renewals of the City of Las Vegas, City of Henderson and the Clark County. The Commission upheld the permits as being lawfully issued, and Finding of Fact, Conclusion of Law and Order was issued by the Commission in the appeal.

The Commission scheduled an appeal hearing for May 9, 2002 in Pahrump regarding a citizens appeal of the renewal of the Pahrump solid waste landfill permit as issued by the Bureau of Waste Management to Nye County. The matter was negotiated to be settled by amendment of the permit as requested by Nye County immediately prior to the scheduled hearing.

April 23-24, 2002 Appeal Hearing

. Nevada Environmental Coalition, Robert W. Hall, President, 10720 Button Willow Drive, Las Vegas, Nevada 89134 appealed to the decisions dated July 20, 2001 by the Nevada Division of Environmental Protection regarding the water pollution control permits for authorization to discharge for the City of Henderson, the Clark County Sanitation District and the City of Las Vegas. The Nevada Division of Environmental Protection, Bureau of Water Pollution Control, on July 20, 2001, issued water pollution control permits NV0022098 for the City of Henderson, permit NV0021261 for the Clark County Sanitation District and permit NV0020133 for the City of Las Vegas. The permits were for wastewater effluent discharge to the Las Vegas Wash. The Bureau asserts that it acted in accordance with NRS 445A.300 through NRS 445A.730 and NAC 445A.070 through 445A.348.

OVERTIME ACCRUED

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

SETTLEMENT RATIFICATIONS

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
	None for this quarter		
QUARTERLY TOTALS		\$ 0	
FISCAL YEAR 2002 TOTALS		\$ 164,107	

AS PREPARED BY David R. Cowperthwaite, Executive Secretary, July 1, 2002